



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 24, 2006

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Single-Family Design Guidelines And
Neighborhood Preservation Ordinance Update Package

RECOMMENDATIONS:

That the Ordinance Committee:

- A. Discuss three issues related to draft proposed Neighborhood Preservation Ordinance (NPO) amendments; and
- B. Provide direction for preparation of Draft Ordinance and direct Staff to return to the Ordinance Committee for further review.

EXECUTIVE SUMMARY:

On August 8, 2006, Council voted to forward the Neighborhood Preservation Ordinance (NPO) Update through the adoption process, with special reviews to be completed by the Ordinance Committee, Finance Committee and Architectural Board of Review (ABR). An excerpt of the minutes from the meeting, (see Attachment 1), list the motions made at the August 8 City Council meeting.

At that meeting, the City Council referred the following topics to the Ordinance Committee to provide staff further direction in the drafting of the ordinance.

1. **Findings to Exceed the Maximum Floor to Lot Area Ratio (FAR):** Are proposed modification findings for projects exceeding the maximum FAR appropriate or adequate?
2. **FAR Application in All Residential Zones:** Should FARs apply to single-family homes located in residential land use zones, including R-2 and multi-family zones, where single-family homes are adjacent to the project?
3. **Private views:** Should NPO findings include required consideration of neighbors' private views?

REVIEWED BY: _____ Attorney

Agenda Item No. _____

DISCUSSION:

I. Findings to Exceed the Maximum FAR. *Are proposed modification findings for projects exceeding the maximum FAR appropriate or adequate?*

The City Council voted to apply a FAR standard for single-family zoned properties with lot areas of up to 15,000 square feet. Council also supported the concept of allowing individual projects to exceed the maximum FAR if the Planning Commission made certain findings. Council, however, requested further review of the required findings for projects exceeding the maximum FAR. The current proposal is for the Planning Commission to make each of the following findings in order to approve modifications to exceed the maximum FAR:

1. That a **supermajority** (2/3) of the ABR members have made a positive recommendation in support of the FAR modification, following a concept review of the project; and
2. That there are exceptional or **extraordinary circumstances or conditions applicable to the lot** involved (such as location, surroundings, topography, or unusual lot size in comparison to the immediate neighborhood) that do not apply generally to other lots in the same neighborhood; and
3. That the exceptional or extraordinary circumstances applicable to the lot allow development on the lot in excess of the maximum FAR to be **compatible with other existing development** in the neighborhood that does not exceed the maximum FAR; and
4. That all new construction in the project **meets all setback and open yard area requirements** for the zone.

A. Definition of Supermajority

The NPO Update Steering Committee recommended that a supermajority of the ABR should support the design of a project before the Planning Commission could approve a modification to allow the project to exceed the maximum FAR. The question remains of how to define a supermajority. Three possible options include: 6 of 9; 3 of 4; or 5 votes in all instances.

The ABR expressed concern with defining supermajority as 6 votes of the full 9 member ABR. The ABR believes it would be difficult to maintain participation of at least 6 members at meetings and that such a voting requirement would unfairly penalize sitting board members who must step down when their projects are considered. Staff shared the ABR's concern and forwarded a revised proposal (specifying 2/3 of the supermajority of present ABR members) to Planning Commission and City Council for review. However, recognizing an ABR quorum of four members would allow only three votes to refer a project to the Planning Commission, Staff now has a revised recommendation.

Staff Recommendation: Staff proposes to revise the proposal to simply require five positive ABR votes, and discard supermajority vote requirement formulas. With this revised proposal, at least a simple majority of the ABR membership would always be in support of such projects and the required quorum would still be reasonable.

B. Exemplary Architecture

The ABR recommends that finding #2 on the previous page be expanded to allow projects to exceed the maximum FAR if the Planning Commission deems the architecture to be exemplary, regardless of whether special conditions exist on the lot. The majority of the ABR believes this change would allow for more flexibility when the ABR supports a project that proposed an FAR modification. The Steering Committee initially considered such a finding, but discarded it. Both the Steering Committee and Staff have expressed concern regarding the difficulty in defining “exemplary architecture.” Some are concerned that the term may be too broadly interpreted or that a beautiful structure might still be simply too large for a neighborhood. Either instance could result in mistaken approvals of incompatible projects. The language recommended by Staff, the Steering Committee, and the Planning Commission is closer in nature to variance findings, because of tying the approval to special conditions applicable to the lot.

Staff Recommendation: Finding #2 should remain as it is currently proposed.

The proposed findings listed on page 2 are adequate to use as part of project approval for projects over the maximum FAR through Planning Commission Modifications. In particular, the second finding should retain the requirement for special lot conditions to be present.

II. **FAR Application in All Residential Zones.** *Should FARs apply to single-family homes located in residential land use zones, including R-2 and multi-family zones, where single-family homes are adjacent to the project?*

The Steering Committee, ABR, HLC, and Planning Commission reviewed the SFDG/NPO Update Package with the assumption that the program would apply to all single-family projects in all zones of the city. During the August 8, 2006 Council hearing, a majority of Council agreed that FARs should only apply as guidelines to single-family homes located in commercial zones. However, a consensus was not reached regarding whether FARs should be guidelines or standards for single-family homes located in multi-family zones where at least two adjacent lots are developed with single-family residences. For this proposal, “adjacent” would mean homes immediately adjacent to a single-family project on either side of the lot or directly behind it. Homes across the street from the proposed single-family home would not be considered as adjacent homes.

Advantages and disadvantages to the application of FAR standards in non-single-family residential zones follow:

Advantages of regulation FARs where two single-family homes are adjacent in multi-family zones.

- Some R-2 zones contain some portions or blocks within the neighborhoods where the lots are too small to support two or more units (under 5,000 square foot lots). Such neighborhoods include areas of the West Side, East Side and Lower Riviera. Small parts of these neighborhoods appear and function as single-family neighborhoods and therefore, they may deserve the same protection as other single-family neighborhoods.
- The regulation was proposed to apply only where there are two adjacent single-family homes, allowing neighborhoods to transition over time.
- A potential problem would be avoided where applicants seeking to build very large homes would locate in multi-family zones, even if most homes in the neighborhood are small single-family homes.

Disadvantages of regulation FARs where two single-family homes are adjacent in multi-family zones.

- New FAR regulations may affect future multi-family development in R-3 and R-4 zones because of neighborhood compatibility concerns of single family style and scale versus higher density development styles and scales.
- There is great variation in zoning, parcel size and development patterns in the City. The current FAR formula and size maximums might not be appropriate enough to respond to specific site conditions in each multi-family neighborhood.
- Limiting the size of single-family homes in these zones could make the homes more difficult to convert to potentially more affordable multi-family units in the future.

Staff Recommendation: Apply FARs as guidelines rather than a requirement in areas outside of single-family zones. Also, add a guideline to the SFDGs to clarify when careful FAR guideline implementation is necessary in multi-family zones. The SFDGs should state the importance of analyzing how many single-family homes are nearby and prevailing lot sizes and development patterns as factors to consider in how closely FAR guidelines should be observed by a proposed project.

III. Private views. *Should NPO findings require consideration of neighbors' private views?*

The Steering Committee discussed at length whether Neighborhood Preservation Ordinance findings should require consideration of private views. The Steering Committee concluded at its last meeting that it is better not to address private views in required findings. Rather, the Steering Committee and Staff recommend providing optional information to the public in the Single-Family Design Guidelines (SFDG) regarding neighbors' private views. The existing Guidelines include less than a half page on voluntarily addressing private views, with no illustrations. The proposed

updated SFDG include more tips for addressing private views and two new pages of illustrations regarding private views as well as five pages of tips for “managing conflict with comfort” to encourage communication among neighbors. The NPO Update package also includes revisions to the Architectural Board of Review Guidelines to allow public comment and discussion of private views as part of Design Review public hearings.

Currently only public views are considered by the City of Santa Barbara. The City has traditionally held that private views are a private matter for individual property owners to handle between themselves. However, some members of the community have requested that the City regulate protection of private views. Whether to protect private views was discussed in the late ‘70s and early ‘80s as part of the development of the Conservation Element Policy, Local Coastal Plan and Master Environmental Assessment procedures. The conclusion of each discussion was to maintain a policy of addressing public views only. In 1999, City Council considered protecting private views in private structural development projects, but rejected the proposal. The Council Agenda Report for that meeting is Attachment 2. Instead, the City Council adopted a private view vegetation mediation process.

Further discussion regarding advantages and disadvantages associated with potential City regulation of private views are summarized in Attachment 3. Information on other jurisdictions’ approaches to regulating private views is also in Attachment 3. The Riviera Association has submitted correspondence requesting consideration of private views as part of the required NPO findings, Attachment 4.

The current Good Neighbor Policies are “recommendations,” meaning the guidelines are only suggestions and do not have to be followed when applicants propose a new design. In other words, currently, although called “policies,” as part of the Single-Family Design Guidelines, the Good Neighbor statements are implemented simply as guidelines. Non-compliance with Good Neighbor Policies has not been used as the basis for project denial. Non-compliance with the policies can cause considerable concern among neighbors and the overall community welfare could be improved with more Good Neighbor Policy compliance.

Addressing this issue, staff, the Steering Committee, ABR, HLC, and Planning Commission recommend strengthening most of the Good Neighbor Policy topics. The NPO Update package proposes to allow project actions based on compliance with Good Neighbor Guidelines related to privacy, noise and lighting, but not private views. Guidelines on those topics would be required to be generally complied with for project approval in a new NPO Finding. Staff will be interested in monitoring whether this additional finding will significantly lengthen discussion of Good Neighbor Guideline concerns at ABR meetings and lead to more neighbor appeals of ABR decisions based on claims of non-compliance with the new finding. Staff feels that further strengthening the findings regarding Good Neighbor Guidelines to include private views would result in

significantly lengthier discussions, additional appeals and difficulties in processing applications.

The NPO Update package also includes revisions to the Architectural Board of Review Guidelines to allow public comment and discussion of private views as part of Design Review public hearings. If allowing discussion of private views at Design Review hearings does not prove too time consumptive, including consideration of private views at some point in the future may be worthwhile. However, this first step in allowing discussion of private views at design review hearings needs to be “tried out” to see what types of consequences it may have on the efficiency of application processing. Staff is hopeful that the additional SFDG material regarding private views and heightened awareness of the issue at meetings may yield positive project results, without the more complicated legal issues and longer processing times which would be associated with addressing the issue in a required finding.

Staff Recommendation: NPO findings should not include required consideration of neighbor’s private views. Rather, the new language and illustrations of optional Good Neighbor “tips” regarding private views in the Draft Updated SFDG are the most prudent way the City can address the issue at this time.

NEXT STEPS:

The following steps are required to finalize the NPO update package for final adoption.

- A. Prepare Draft Ordinance and return to Ordinance Committee.
- B. Discussion with Council Advisory Group Subcommittee and ABR on NPO update implementation issues involving items such as:
 - ABR membership and residential and commercial review roles
 - ABR recruitment incentives and retention ideas
 - Level of staff reports prepared for ABR to address extensive new guidelines and 20 nearest homes analysis
 - Methods to reduce hearing and meeting lengths
 - Administrative approval procedures
 - Staff training
- C. Finance Committee discussion may occur separately or as part of the two-year financial plan budget process. It is anticipated that additional resources may be necessary to manage workload from the NPO Update and the on-going workload in the Development Review and Historic Preservation Program. Perhaps professional services may be needed to complete the pending list of new guidelines and updates, and in that case, additional Professional Services funds would be recommended along with adjustments in work programs rather than adding staff resources.

ATTACHMENTS:

1. Minutes for August 8, 2006 Council Agenda Report Hearing
2. Council Agenda Report on the 1999 View Ordinance Task Force Proposal
3. Advantages and Disadvantages of Regulating Private Views & Other Jurisdiction's Approaches to Regulating Private Views
4. Riviera Association Proposal Letter

Note: The following documents have been placed in the Mayor and Council reading file and are available online at www.santabarbaraca.gov/Resident/Home/Planning/NPO.htm.

- August 8, 2006 Council Agenda Report
- May 4, 2006 Staff Report for May Workshop
- Minutes for Planning Commission, ABR, and HLC reviews of this project
- Issue Papers G and J and Steering Committee meeting 25 – 29 notes.
- *SFDG/NPO Update Package:*
 - Summary of Recommended Municipal Code Changes (blue cover)
 - Draft Updated Architectural Board of Review Meeting Procedure and Landscape requirement Guidelines (pink cover)
 - Draft Updated Single-Family Design Guidelines (beige cover)

PREPARED BY: Heather Baker, AICP, Project Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office